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FILED

JAN 09 2008

BOARD OF PHARMACY

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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PHARMACY

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF THE LICENSE OF :

STEPHEN D. DWAMENA, R.P. :
Licensed No. 28RI01613800 :

TO PRACTICE PHARMACY :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Pharmacy (hereinafter "the Board") upon receipt of information that: Stephen D. Dwamena, R.P., (hereinafter "Respondent") pleaded guilty on October 30, 2006, to an accusation in the Superior Court of New Jersey, Essex County, to the charge of Theft by Unlawful Taking, in violation of N.J.S.A. 2C:20-3. Specifically, from on or about May 1, 2003 until on or about October 13, 2004, Respondent unlawfully took approximately \$74,600.00 in medications, including Diovan, Celebrex, Lipitor, Nexium, Norvasc, Paxil, Seroquel, Plavix, Zyprexa, and other medication, from Trinitas Hospital in Elizabeth, New Jersey, and University Hospital in

Newark, New Jersey, where he was employed, and sold the medications to a pharmacy. Respondent has cooperated with prosecuting authorities with regard to this matter.

On August 23, 2007, Respondent was sentenced to three (3) years probation, with performance of 100 hours of community service. In addition, he was required to pay restitution in the amount of \$74,000.00.

These facts establish a basis for disciplinary action pursuant to N.J.S.A. 45:1-21(b) and (f) in that Respondent engaged in dishonest conduct and pleaded guilty to, and was convicted of, a crime relating adversely to the practice of pharmacy. It appearing that Respondent desires to resolve this matter without further recourse to formal proceedings and for good cause shown:

IT IS ON THIS 9th DAY OF *JANUARY* 200~~7~~⁸,

HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice pharmacy shall be and hereby is suspended effective on service of this Order, for a period of three (3) years, the initial eighteen (18) months of which shall be served as a period of active suspension, the remainder of which shall be stayed and served as a period of probation.
2. During the period of active suspension, Respondent shall cease and desist from engaging in the practice of pharmacy including the following: Respondent shall not handle, order, inventory, compound, count, fill, refill or dispense any drug; he shall not handle anything requiring a prescription including devices and medications; he shall not handle prescriptions; he shall not advise or consult with patients; and he is prohibited from being present within a prescription filling area of a pharmacy.

3. Respondent shall not be eligible to submit an application for reinstatement of his pharmacy license until he serves the active period of suspension and completely satisfies all terms of his criminal sentence, including full and satisfactory completion of probation, performing all community service, and paying all restitution.
4. Prior to resuming active practice in New Jersey, Respondent shall be required to appear before the Board (or a committee thereof) to demonstrate fitness to resume practice. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice. In addition, the Board reserves the right to place restrictions on Respondent's practice should his license be reinstated.
5. Upon reinstatement and during the probationary period, Respondent shall not be a pharmacist-in-charge or a preceptor, and until further order of the Board, shall be barred from being a permit holder either directly or indirectly through connection with any person related by blood or marriage.
6. Respondent shall give written notice to the Board, prior to beginning or changing any employment. Respondent shall provide a written copy of this Order to any employer which provides access to pharmaceuticals or pharmaceutical records and shall ensure that the employer notifies the Board in writing that he or she has read the Order.
7. (a) Respondent shall be subject to an order of automatic suspension of license upon the Board's receipt of any information which the Board, in its sole discretion, deems reliable demonstrating that Respondent has failed to comply with any of the conditions set forth in this consent order

(b) Respondent shall have a right to apply for removal of the automatic suspension on five (5) days notice to the Board and to the Attorney General. The Board may hold a hearing on that application before the full Board or before a committee of the Board. In the event a committee hears the application, its action shall be subject to ratification of the full Board at its next scheduled meeting.

NEW JERSEY STATE BOARD OF PHARMACY

By: Edward G. McGinley RPN
Edward G. McGinley, R.Ph.
President

I have read and understand the within Consent Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.

Stephen D. Dwamena
Stephen D. Dwamena, R.P.

Consent is hereby given to the form and entry of this order.

Lavinia Lee Mears, Esq.
Lavinia Lee Mears, Esq.